

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DEUTSCHE BANK NATIONAL TRUST)	
COMPANY,)	Case No. 1:06-CV-00914
)	
Plaintiff,)	JUDGE ANN ALDRICH
)	
v.)	
)	
JOSE REYES, et al.,)	
)	<u>ORDER</u>
Defendants.)	
)	

Before the court is plaintiff Deutsche Bank National Trust Company's ("Deutsche Bank") motion for default judgment [Docket No. 15], against Jose Reyes and Maria Reyes to foreclose the lien of the mortgage securing the obligation of such note upon the real estate described herein, and to require all parties to set up their claims to the real estate or be barred.

The court finds that defendants Jose Reyes and Maria Reyes are in default of motion or answer. The clerk's entry of default was filed herein on July 26, 2006. The motion is granted.

Accordingly, the court finds the allegations contained in the complaint to be true, including that there is due and owing to the plaintiff from the defendant, Jose Reyes, upon the subject note, the principal balance of \$76,754.08, for which judgment is hereby rendered in favor of Deutsche Bank, with interest at the rate of 8.65 percent per annum from November 1, 2005.

The note is secured by the mortgage held by Deutsche Bank, which mortgage constitutes a valid and first lien upon the following described premises (the "Property"):

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being Sublot No. 288 in Selden's Allotment of part of Original Brooklyn Township Lot No. 55, as shown by the recorded plat in Volume 13 of Maps, page 37 of Cuyahoga County Records and being 36 feet front on the Southerly side of Storer Avenue S.W. and extending back of equal width 125 feet as appears

by said plat, be the same more or less, but subject to all legal highways.

Parcel Number: 015-06-117

Commonly known as: 4227 Storer Avenue, Cleveland, Ohio

Taking as true the allegations contained in Deutsche Bank's complaint, the court finds that the mortgage was filed for record on April 28, 2003, and recorded as Instrument Number 200304281718 in the Cuyahoga County Recorder's Office; that the mortgage, together with the note, was assigned to Deutsche Bank by an Assignment of Mortgage filed for record on April 26, 2006 as Instrument Number 200604260278 in the Cuyahoga County Recorder's Office; that the conditions of said mortgage have been broken; and that Deutsche Bank is entitled to have the equity of redemption of Jose Reyes and Maria Reyes foreclosed.

It is therefore ordered that unless the sums hereinabove found to be due to Deutsche Bank, and the costs of this action, be fully paid within ten (10) days from the date of the entry of this decree, the equity of redemption of Jose Reyes and Maria Reyes in said real estate shall be foreclosed and the real estate sold, free and clear of the interest of all parties herein.

IT IS SO ORDERED.

/s/Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: November 6, 2006